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REGULATORY

01 SEP 27 PM 2 46

September 27, 2001

EXECUTIVE SECRETARY

David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: *Docket to Determine the Compliance of BellSouth Telecommunications Inc.'s
Operations Support Systems with State and Federal Regulations*
Docket No: 01-00362

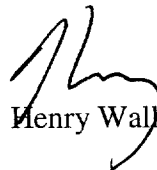
Dear David:

Attached is AT&T Communications of the South Central States, Inc., TCG MidSouth, Inc., and the Southeastern Competitive Carriers Association Motion to Compel Responses by BellSouth Telecommunications, Inc. to Their First Set of Interrogatories and First Set of Requests for Production of Documents to BellSouth.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


Henry Walker

HW/cw

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re:)	
Docket to Determine the Compliance)	
of BellSouth Telecommunications, Inc.'s)	
Operations Support Systems with State)	Docket No.: 01-00362
and Federal Regulations)	

**MOTION OF AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, INC.,
TCG MIDSOUTH, INC., AND THE SOUTHEASTERN COMPETITIVE CARRIERS
ASSOCIATION TO COMPEL RESPONSES BY
BELLSOUTH TELECOMMUNICATIONS, INC. TO THEIR FIRST SET OF
INTERROGATORIES AND FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO BELLSOUTH**

Pursuant to Rule 37.01 of the Tennessee Rules of Civil Procedure and the Tennessee Regulatory Authority's September 13, 2001 Order regarding the discovery schedule, AT&T Communications of the South Central States, Inc., TCG MidSouth, Inc. and the Southeastern Competitive Carriers Association (collectively, the "CLECs"), by and through the undersigned counsel, hereby request that the Tennessee Regulatory Authority (the "Authority" or "TRA") compel BellSouth Telecommunications, Inc. ("BellSouth") to provide full and complete responses to the enumerated requests from their First Set of Interrogatories and First Set of Requests for Production of Documents which were filed and served on BellSouth on September 17, 2001. As set forth in greater detail below, BellSouth's objections are legally insufficient to allow BellSouth to evade responding to the CLECs' discovery. Accordingly, the Authority should deny BellSouth's objections and should compel BellSouth to respond.

I. GENERAL RESPONSE

BellSouth's objections are inconsistent with Tennessee's discovery rules. "The Tennessee Rules of Civil Procedure embody a broad policy favoring the discovery of any

relevant, non-privileged information.” *Pettus v. Hurst*, 882 S.W.2d 783, 786 (Tenn. Ct. App. 1993). “[D]iscovery is intended to bring out the facts prior to trial, thereby eliminating surprise and enabling the parties to decide what is at issue.” *Wright v. United Servs. Auto Ass’n*, 789 S.W.2d 911, 915 (Tenn. Ct. App. 1990). Proper discovery promotes economy and efficiency by helping to identify and narrow the issues. *See Airline Constr., Inc. v. Barr*, 807 S.W.2d 247, 263 (Tenn. Ct. App. 1990).

Discovery in Tennessee is generally governed by Rule 26.02, which provides that:

Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party. . . . It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

Tenn. R. Civ. P. 26.02.¹ In addition, Rule 37 allows a party to apply for a motion to compel a response to a question or request that another party has failed to answer. Tenn. R. Civ. P. 37.01(2). Any answer that is evasive or incomplete is treated as a failure to answer the discovery request. Tenn. R. Civ. P. 37.01(3).

It is clear in Tennessee that the purpose and intent of Rule 26 is to eliminate the element of surprise and prevent a party who has discoverable information from making evasive, incomplete or untimely responses to requests for discovery. *See, e.g., Hood v. Roadtec, Inc.*, 785 S.W.2d 359, 362 (Tenn. Ct. App. 1989); *Ingram v. Phillips*, 684 S.W.2d 954, 958 (Tenn. Ct. App. 1984). Tennessee courts have interpreted the requirement of Rule 26 broadly to encompass any matter that bears on any issue that is in or may be in the proceeding. *See Price v. Murphy*

¹ This rule is very similar to Federal Rule of Civil Procedure 26(b)(1).

Supply Co., 682 S.W.2d 924, 935 (Tenn. Ct. App. 1984) (citing *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S. Ct. 2380, 2389 (1978)).

This is consistent with Federal Rules of Civil Procedure, which similarly “allow broad scope to discovery and this has been well recognized by the courts.” Wright & Miller, *Federal Practice & Procedure* § 2007 (1994). It has long been established that the civil discovery provisions of the federal rules should be interpreted liberally, and that, in particular, relevance for purposes of discovery is construed very broadly. *See, e.g. Hickman v. Taylor*, 329 U.S. 495, 67 S. Ct. 385 (1947); *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 98 S. Ct. 2380 (1978); *Flora v. Hamilton*, 81 F.R.D. 576 (M.D.N.C. 1978).

Accordingly, a party opposing discovery bears the burden of demonstrating why discovery should not be permitted. *See Ellsworth Associates, Inc. v. U.S.*, 917 F. Supp. 841, 844 (D.D.C. 1996); *Chism v. County of San Bernadino, et. al.*, 159 F.R.D. 531, 533 (C.D. Cal. 1994); *In re: Harcourt Brace Jovanovich, Inc. Securities Litigation*, 838 F. Supp. 109, 114 (S.D.N.Y. 1993). Indeed, the opposing party has a heavy burden of showing good cause. *See, e.g., Motsinger v. Flynt*, 119 F.R.D. 373 (M.D.N.C. 1988). In order to meet its burden, the party opposing discovery may not simply offer statements of objection; rather, specific identification of the basis for the objection and the factual support therefor must be provided. *See Roesberg v. Johns-Manville Corp.*, 85 F.R.D. 292, 297 (E.D. Pa. 1980).

The vast majority of BellSouth’s objections claim either that the information requested is not relevant or that looking for the information is unduly burdensome. A party objecting to discovery as irrelevant bears the burden of proving that the requested discovery is not relevant to the subject matter of the case. *Flora*, 81 F.R.D. at 578; *Teichgraeber v. Memorial Union Corp. of the Emporia State Univ.*, 932 F. Supp. 1263, 1266 (D. Kan. 1996). “More than a conclusory

statement that the discovery is irrelevant must be offered, the opposing party must show specifically how the request is not reasonably calculated to lead to the discovery of admissible evidence,” and “[c]ourts should lean towards resolving doubt over relevance in favor of discovery.” *Teichgraeber*, 932 F. Supp. at 1266. The party opposing discovery as irrelevant must demonstrate that the requested information either does not come within the broad scope of discovery set forth in the rules of civil procedure or else is “of such marginal relevance that the potential harm occasioned by discovery would outweigh the normal presumption in favor of broad disclosure.” *Burke v. New York City Police Dep’t*, 115 F.R.D. 220, 224 (S.D.N.Y. 1987).

Similarly, “the burden is on the party objecting to show that responding to the discovery is unduly burdensome.” *Snowden v. Connaught Laboratories, Inc.*, 137 F.R.D. 325, 332 (D. Kan. 1991). The fact that a discovery request would produce a substantial volume of responsive material or would cause the producing party to invest substantial time and effort to respond to the discovery is generally not a sufficient reason to deny discovery. *Id.* “Requiring a responding party to perform extensive research or to compile substantial amounts of data and information does not automatically constitute an undue burden.” *Capacchione v. Charlotte-Mecklenburg Schools*, 182 F.R.D. 486, 491 (W.D.N.C. 1998).

BellSouth has not provided persuasive support for either its relevance or burdensome objections. The Authority, therefore, should deny BellSouth’s objections and should order BellSouth to respond to the CLECs’ enumerated discovery requests.

II. RESPONSES TO BELL SOUTH’S SPECIFIC OBJECTIONS

BellSouth’s objections to the CLECs’ discovery requests fail to justify denying the CLECs access to the requested information. BellSouth should be compelled to respond.

A. Interrogatories

BellSouth objects to **Interrogatory No. 3** on the grounds that it is overly broad and unduly burdensome and that it is irrelevant in light of BellSouth's willingness to provide the names of the managers of each portion of the test. BellSouth has not met its burden of establishing either overbreadth or irrelevance.

Interrogatory No. 3 requests that BellSouth identify the participants in each of the weekly conference calls referenced in the Georgia Status Reports. BellSouth bases its objection on the facts that the weekly conference calls took place for more than one year and that a number of BellSouth personnel were involved. These facts are not sufficient to relieve BellSouth of its duty to respond. BellSouth has chosen to rely on the Georgia test in Tennessee and CLECs have significant concerns about the conduct of that test. The number of weekly calls is simply a product of the duration of the test, and should not form the basis for failure to respond to discovery. Moreover, it is the understanding of the CLECs that many of the same people often attended these calls. Seeking information from what is likely to be a relatively defined group of people should not be overly burdensome for BellSouth.

BellSouth's contention that this request is not relevant because BellSouth is providing the names of the managers of each portion of the test disregards the nature of the request as one that spans a period of time. A list of managers, while potentially useful to the CLECs, does not provide the ability to track status call attendees over the course of the testing or at key times associated with testing milestones or other notable events. The interrogatory would provide CLECs with the names of the individuals involved in the day to day conduct of the test. These individuals are most likely to have complete information about the details of the test.

This request seeks information that is relevant to the subject matter of this proceeding. The fact that a complete response may require effort on the part of BellSouth in proportion to the

duration and complexity of the test is not a sufficient reason to deny the CLECs access to the requested information. The Authority should compel BellSouth's complete response.

BellSouth objects to **Interrogatory No. 7** as overly broad and unduly burdensome on the grounds that it should not be required to undertake an analysis of the differences between the Georgia test and the Florida test. BellSouth claims that the differences are set forth in the master test plans and that AT&T can conduct its own comparison. While it is undoubtedly true that AT&T or any CLEC can compare the two master test plans to which BellSouth refers, such a comparison would not provide the information that would be included in a complete response to the interrogatory.

Interrogatory No. 7 requests both identification of all of the differences between the procedures, testing, monitoring, and reporting used in the Georgia test and the procedures used and being used in the Florida test **and** explanation of how these difference relate to data reporting and test results. BellSouth can respond fully to this request, while CLECs cannot. As the test subject, BellSouth is in a better position to identify and describe the differences between the tests as they were and are being conducted and to explain whether and how these differences are meaningful as they relate to data reporting and test results. This information is not available to CLECs from a simple review of the master test plans, and it is important to any comprehensive analysis of the relative usefulness of the results from the two tests. Indeed, BellSouth has claimed that the differences between Florida and Georgia have no impact on the applicability of the Georgia test to Tennessee. CLECs are entitled to explore whether there is any basis for that claim.

BellSouth agrees to respond to **Interrogatory Nos. 21 and 23** "as narrowed by the parties" in the North Carolina docket. It is unclear to the CLECs how these interrogatories were

“narrowed” in North Carolina. These interrogatories were numbers 30 and 35, respectively, in AT&T’s First Set of Interrogatories to BellSouth in North Carolina. Attached hereto is a letter memorializing the agreement between AT&T and BellSouth regarding certain discovery issues in North Carolina. *See* Letter from Traci Vanek on behalf of AT&T to Lisa Foshee of BellSouth, August 10, 2001, attached as Exhibit A. Reference to this letter does not indicate that these interrogatories were narrowed and in fact reveals that BellSouth agreed to supplement its responses to these interrogatories. The CLECs request that the Authority compel BellSouth to provide complete responses to Interrogatory Nos. 21 & 32.

BellSouth objects to **Interrogatory No. 53** on relevance grounds. This request seeks information regarding the fees that BellSouth has paid to PriceWaterhouse Coopers (“PWC”) for its services in 2000 and 2001. BellSouth’s conclusory statement that the amounts paid to PWC are not relevant fails to satisfy BellSouth’s burden to demonstrate that the information sought is not relevant to the subject matter of the proceeding. BellSouth’s contention that its OSS are regional is central to the subject matter of this proceeding. BellSouth’s regionality contention relies heavily upon the attestation provided by PWC. Information regarding the payments PWC has received from BellSouth may provide insight into PWC’s objectivity and the credibility of PWC’s attestation. The information the CLECs seek in this request is clearly relevant, and BellSouth should be required to provide it.

B. Requests for Production of Documents

BellSouth objects to **Request for Production of Documents No. 2** on relevance grounds. This request seeks information related to compensation paid to KPMG Consulting, Inc. (“KCI”) for, among other things, the Georgia and Florida testing. BellSouth’s conclusory statement that the amounts paid to KCI are not relevant fails to satisfy BellSouth’s burden to demonstrate that the information sought is not relevant to the subject matter of the proceeding.

The usefulness of the tests KCI is conducting in Georgia and Florida is a central issue in this proceeding. Information regarding payments to KCI bears directly on questions of tester independence, potential for bias and the credibility of the test results, especially since so many of the results in the Georgia tests were based on KCI's subjective judgment. The information the CLECs seek in this request is clearly relevant, and the Authority should compel BellSouth's complete response.

BellSouth objects to **Request for Production of Documents No. 6** on the grounds that it is overly broad and unduly burdensome. The CLECs narrow the request as follows: Please produce all data provided by BellSouth to KCI or Hewlett Packard ("HP") related to the Georgia and Florida OSS Tests, to include all revisions, changes, work papers, and drafts, excluding BellSouth processes and procedures for how it conducts its operations and any publicly-available information. The documents covered by the narrowed request will demonstrate what KCI reviewed, the results of KCI's evaluation and any impact BellSouth may have had on KCI's conclusions. This information should be produced.

BellSouth objects to **Request for Production of Documents No. 7** on the grounds that it is overly broad and unduly burdensome. This request is substantially identical to AT&T's 1st Request for Production No. 7 in North Carolina and to AT&T's 1st Request for Production No. 8 in Georgia. In response to both of these previous requests, BellSouth agreed to make responsive documents available subject as necessary to a proprietary agreement. In light of the fact that BellSouth has previously produced responsive documents and is under a continuing obligation to supplement its responses in two other jurisdictions, BellSouth cannot establish that the request is overly broad or unduly burdensome. The Authority should require BellSouth to make responsive

documents available in Tennessee, especially since the authority may be denied the opportunity to see any of these documents if they are not included in the Tennessee production.

BellSouth objects to **Request for Production of Documents No. 8** on relevance grounds. This request seeks documents related to exception reports. BellSouth claims that its internal drafts of exception responses were not part of KCI's evaluation of the exceptions and therefore are not relevant to an evaluation of the test. The CLECs contend that BellSouth's internal drafts and any communications between BellSouth and KCI are relevant to issues such as the escalation of observations to exceptions, the withdrawal of proposed exceptions, and the resolution of exceptions based on proposed fixes. Moreover, to the extent any exchanges of draft information or work paper information or any other communications between the tester and the test subject are not reflected in public documents, such exchanges are relevant to an evaluation of KCI's handling of potential exceptions and central to the usefulness of the test results.

In addition, this request is substantially identical to AT&T's 1st Request for Production No. 8 in North Carolina and to AT&T's 1st Request for Production No. 11 in Georgia. In response to both of these previous requests, BellSouth objected on relevance grounds but, subject to and without waiving that objection, agreed to make responsive documents available subject as necessary to a proprietary agreement. In light of the fact that BellSouth has previously produced responsive documents and is under a continuing obligation to supplement its responses in two other jurisdictions, the CLECs request that the Authority compel BellSouth to make responsive documents available in Tennessee.

BellSouth objects to **Request for Production of Documents Nos. 12 & 14** on the grounds that they are overly broad and unduly burdensome. These requests seek notes taken by participants in weekly conference calls, a log of all calls and meetings involving BellSouth and

KCI or a commission, and notes taken by participants in all calls and meetings listed in the log. As BellSouth has previously produced and has a continuing obligation to update the requested log in other jurisdictions, BellSouth cannot establish that providing the log in Tennessee is unduly burdensome.

BellSouth's objections focus primarily on denying the CLECs access to the notes of the participants in these calls. BellSouth bases its objections on the facts that the weekly conference calls took place for more than one year and that a number of BellSouth personnel were involved. These facts are not sufficient to relieve BellSouth of its duty to respond. The number of weekly calls is simply a product of the duration of the test upon which BellSouth seeks to rely in Tennessee, and should not be the basis for failure to respond to discovery. Moreover, it is the understanding of the CLECs that many of the same people often attended these calls. Collecting notes from these people should not be overly burdensome for BellSouth, especially since a complete response to Interrogatory No. 3, discussed above, would require identifying them. BellSouth would simply need to ask each of those individuals identified to produce the notes.

In its response to Request No. 12, BellSouth contends that the request is not sufficiently relevant to outweigh any associated burden to BellSouth because minutes for the weekly calls are publicly available. The minutes of a call, however, are significantly more limited than the notes of the individual participants. For example, participants in these calls are likely to have made notes on the impact of discussed items on their own test areas and resulting plans or changes. Such notes are relevant to an evaluation of the independence and blindness of the tests, among other topics. The available minutes do not provide an alternative avenue to the required information.

In its objection to Request No. 14, BellSouth also appears to contend that minutes of all calls and meetings listed in the request are publicly available. The CLECs are not aware of publicly available minutes for every call and meeting that is responsive to Request No. 14 and believe this contention to be an error.

These requests seek information that is relevant to the subject matter of this proceeding. The fact that complete responses may require effort on the part of BellSouth in proportion to the duration and complexity of the test is not a sufficient reason to deny the CLECs access to the requested information. The Authority should compel BellSouth's complete responses.

BellSouth objects to **Request for Production of Documents No. 46** on the grounds that it is overly broad and unduly burdensome. This request seeks documents related to the performance of LCSC operations from January 2000 to the present. BellSouth agrees to provide documents only from January 2001 to the present. BellSouth's overbreadth contention is unfounded. Part of the purpose of this proceeding is to evaluate the Georgia test, which began in 1999 and concluded in March 2001. Consequently, information regarding the performance of the LCSC in 2000, during the conduct of the Georgia test, is well within the bounds of reasonable discovery. Similarly, BellSouth's unsupported statement that the request is unduly burdensome is insufficient to relieve it of its obligation to respond. The Authority should compel BellSouth to provide a complete response from January 2000 through the present.

III. CONCLUSION

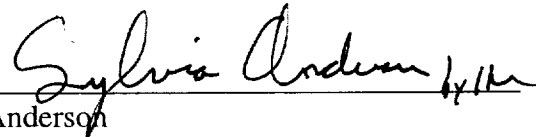
The CLECs seek discovery of relevant information as part of their efforts to assess the usefulness of the Georgia and Florida test results in Tennessee. BellSouth's objections do not provide persuasive reasons to deny the CLECs access to the requested information.

Accordingly, the CLECs respectfully request that the Authority order BellSouth to provide complete responses to the requested discovery.

Respectfully submitted,

By: 

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August 10, 2001

VIA FACSIMILE

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Re: Discovery in NCUC Docket No. P-55, Sub 1022

Dear Ms. Foshee:

This letter confirms the various agreements and compromises representatives of AT&T Communications of the Southern States, Inc. ("AT&T") and BellSouth Telecommunications, Inc. ("BellSouth") reached during the August 6th teleconference regarding pending discovery in the above-referenced docket. The parties addressed a number of general matters in addition to specific issues related to the discovery AT&T has propounded. AT&T and BellSouth reached the following agreements:

- AT&T and Bell South agreed to waive the North Carolina deposition notice requirement and to work informally together to develop a reasonable deposition schedule. AT&T agreed to provide BellSouth with a tentative list of deponents, which may be supplemented or revised once AT&T has the opportunity to complete its document review and obtain complete responses to its discovery requests.
- In exchange for BellSouth's agreement to stipulate to the admission of its discovery responses in any of the nine states in BellSouth's region, AT&T agreed not to serve identical discovery requests in all nine states. AT&T

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and BellSouth agreed that AT&T will serve specific discovery requests it deems appropriate in specific states.

- BellSouth agreed that it will provide AT&T representatives a tour of the collocation space in one of its offices. Ms. Foshee will suggest parameters concerning who may participate, how long the tour will be, what is included in the tour, whether the representative may take photographs during the tour, and the time frame for the tour. In addition, BellSouth agreed that it is in the process of producing to AT&T the floor plans for collocation spaces, as requested in AT&T's discovery.
- BellSouth is presently in possession of documents produced by PriceWaterhouse Coopers in response to AT&T discovery. BellSouth is presently redacting customer-specific information from Local Service Requests within these documents. No other information is being removed. BellSouth will produce these documents to AT&T's Atlanta office on August 8, 2001. In addition, BellSouth will file PriceWaterhouse Coopers responses to AT&T interrogatories on August 8, 2001.
- Regarding deposition of representatives of PriceWaterhouse Coopers, AT&T agreed that it will evaluate the issue upon its own merit and will notify BellSouth of its position as soon as practicable.
- BellSouth noted that it is attempting to make contact with counsel for Hewlett Packard regarding compliance with AT&T's discovery. AT&T agreed to assist in the process if possible.

In addition, BellSouth and AT&T reached the following agreements regarding AT&T's discovery requests:

- BellSouth confirmed that BellSouth and AT&T have a protective agreement and that BellSouth will produce the documents it has previously withheld as proprietary.
- Regarding discovery responses in which BellSouth refers AT&T to KPMG Consulting, Inc. ("KCI") or KCI's OSS test reports, BellSouth stated that to the extent BellSouth has responsive information, BellSouth has provided it

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to AT&T, and BellSouth has no other responsive documents in its possession, custody or control. These responses include, but are not limited to, responses to **Interrogatory Numbers 11, 12, 15 & 16.**

- Regarding documents BellSouth indicates will be made available, BellSouth and AT&T agreed that representatives from AT&T will begin review at BellSouth's Atlanta premises on August 9, 2001 and continue as necessary.
- AT&T agreed to limit the scope of **sections d-h of Interrogatory Number 7**, requesting that BellSouth identify subject matter experts that are structurally one level below Mr. McElroy and Ms. Wilson-Chu in the tests and describe the nature and time period of their involvement in the specified tasks. BellSouth agreed to supplement its response.
- BellSouth agreed to supplement its response to **Interrogatory Numbers 30** to provide the requested information.
- Regarding **Request for Production Number 9**, requesting all withdrawn "draft exception" reports and related documents, BellSouth stated that all such documents are public in Florida. BellSouth indicated the situation in Florida is not like that in Georgia, where draft exceptions are not made public. BellSouth stated that it has produced the responsive documents related to the Georgia test.
- BellSouth agreed to supplement its response to **Interrogatory Number 1** to indicate the individuals responsible for answering Interrogatory Numbers 61-63, 72, 91-100, 103, 119, 133-39, and 141-46 and to the extent supplemental responses require revision.
- BellSouth agreed to supplement its response to **Interrogatory Number 13** and to provide a responsive document prepared by Mr. Stacy. BellSouth stated this is the only responsive material in its possession.
- Regarding **Interrogatory Number 14**, BellSouth stated that all CLP communication went through KCI.

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- BellSouth agreed to supplement its responses to **Interrogatory Numbers 35 & 41**.
- The parties agreed that AT&T's subject matter expert, Ms. Norris, will contact BellSouth's subject matter expert, Mr. Varner, to discuss issues related to **Interrogatory Numbers 50 & 58**.
- Regarding **Interrogatory Number 65**, BellSouth agreed to provide the requested methodology for RNS but indicated the methodology for ROS is not yet available and BellSouth is not able to indicate when it will become available. BellSouth agreed to confirm this.
- Regarding **Interrogatory Numbers 66, 91-96, 98, 101 & 102**, which refer AT&T to North Carolina arbitration docket discovery, BellSouth agreed to update the data provided.
- Regarding **Interrogatory Numbers 68 & 69**, BellSouth agreed to provide the referenced aggregate SOER data if it is available.
- Regarding **Interrogatory Number 70**, BellSouth agreed to provide a complete copy of the response.
- Regarding **Interrogatory Numbers 72 & 78**, BellSouth agreed to provide definitions of a "standard work unit," and the term "constructed" as used in the respective responses, if available.
- Regarding **Interrogatory Number 97**, BellSouth agreed to provide available 2001 data as requested.
- Regarding **Interrogatory Number 103**, BellSouth agreed to provide clarification regarding whether the information is specific to a state or regional and what units should be applied to the figures in the table.
- Regarding **Interrogatory Numbers 105 & 116**, BellSouth agreed to examine its procedures and attempt to provide responses. AT&T agreed to confer with its subject matter experts to identify whether the requests can be limited to the specific parts of the processes.

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- Regarding **Interrogatory Number 111, part 4**, BellSouth agreed to provide clarification regarding whether the policy stated is BellSouth's current policy.
- Regarding **Interrogatory Number 126**, BellSouth agreed to confirm that the 400 employees trained in LNP actually handle LNP-related help requests.
- Regarding **Interrogatory Number 127**, AT&T agreed to narrow its request to a description of BellSouth's process for relating components of an order for UNE-loop, associated directory listings, and LNP. BellSouth agreed to respond based on this limitation.
- Regarding **Interrogatory Number 129 and Request for Production Number 6**, AT&T agreed to limit its requests and will provide redrafted requests to BellSouth as soon as practicable.
- Regarding **Interrogatory Number 130**, BellSouth agreed to supplement its response.
- Regarding **Request for Production Number 12**, BellSouth maintained its objection and AT&T agreed to reexamine the request to determine whether it is possible to limit it.
- Regarding **Request for Production Number 36**, AT&T agreed to provide BellSouth references for the use of the term "test cycle" in the Georgia Master Test Plan Final Report, as follows: pages IV-D-4 n.6; IV-E-4 n.6; V-D-6 n.10; V-D-16 n.30; V-C-6 n.9; VII-A-1; and VII-D-5.
- Regarding AT&T's 2d Set of Interrogatories, **Interrogatory Number 1**, BellSouth agreed to provide call defects per million data by trunk group CLLI code, if available.
- Regarding AT&T's 2d Set of Interrogatories, **Interrogatory Number 3**, BellSouth agreed to clarify whether the data is specific to a state or regional, and whether each trunk group is BellSouth-administered or CLEC-administered.

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- Regarding AT&T's 2d Set of Interrogatories, **Request for Documents Number 4**, BellSouth agreed to provide documents underlying its responses.

Please contact me immediately if this letter does not reflect your understanding of the agreements reached by the parties.

Sincerely,

A handwritten signature in cursive script that reads "Traci M. Vanek".

Traci M. Vanek

TMV/

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on this the 27th day of September 2001.

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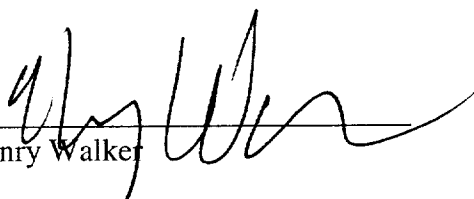
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